

NOT FOR PUBLICATION

(Document Nos. 85, 88, 90)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

WARREN DISTRIBUTING CO.,
PEERLESS BEVERAGE CO., INC., and
SHORE POINT DISTRIBUTING
COMPANY,

Plaintiffs,

V.

INBEV USA L.L.C. and
ANHEUSER-BUSCH INCORPORATED,

Defendants.

Civil No. 07-1053 (RBK/JS)

ORDER

THIS MATTER having come before the Court upon 1) the Motion for Summary Judgment by Plaintiffs Warren Distributing Co., Peerless Beverage Co., Inc. and Shore Point Distributing Company as to the Counterclaims by Defendant Anheuser-Busch Incorporated (“AB”) (Doc. No. 85); 2) the Motion for Summary Judgment by Defendant InBev USA L.L.C. (Doc. No. 88); and 3) the Motion for Summary Judgment by AB (Doc. No. 90); and the Court having considered the moving papers and the response thereto; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that InBev USA's Motion (Doc. No. 88) is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that the Motion is **GRANTED** as to the notice deficiency claims in Count

One, as to the portions of Counts One and Three asserting breach of the covenant of good faith and fair dealing, as to all conspiracy claims in Counts Three and Four, and as to the prayer for punitive damages; and it is further

ORDERED that the Motions is **DENIED** as to the breach of contract claims in Count Five, and as to Counts One and Three to the extent InBev USA relies on the protections of § 33.1-9.15(d)(1) to justify the termination of the distribution agreements; and it is further

ORDERED that AB's Motion for Summary Judgment (Doc. No. 90) is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that the Motion is **GRANTED** as to all conspiracy claims in Counts Three and Four, and as to the tortious interference claim in Count Six; and it is further

ORDERED that the Motion is **DENIED** as to the Practices Act claim in Count Two; and it is further

ORDERED that Plaintiffs' Motion for Summary Judgment (Doc. No. 85) is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that the Motion is **GRANTED** as to the unjust enrichment claim regarding the tap-switching efforts in Counterclaim One, as to the Practices Act Claim in Counterclaim Four, and as to the Administrative Code claim in Counterclaim Four; and it is further

ORDERED that the Motion is **DENIED** as to the unjust enrichment claims regarding post-termination sales in Counterclaim One, and as to the tortious interference claims regarding post-termination sales in Counterclaims Two and Three.

Date: 6-7-10

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge